IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 9TH NOVEMBER 2006 / 18TH KARTHIKA 1928

Bail Appl..No. 6502 of 2006

CRIME NO.447/2006 OF KANNUR TOWN POLICE STATION

: PETITIONER/ACCUSED:

P. PREJITH, S/O. BHARATHAN,
AGED 31 YEARS, PARAMBIL HOUSE, VALIYANNUR AMSOM,
VARAM DESOM, VARAM P.O., KANNUR DISTRICT.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.K.N.ABHILASH

RESPONDENTS: STATE & COMPLAINANT:

THE STATE OF KERALA,
REP. PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (THROUGH THE SHO, KANNUR TOWN POLICE
STATION, KANNUR).

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6502/2006

DATED THIS THE 9TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner is the employee of the bank, submits the learned counsel. He is the fourth accused in crime No.447/2006 of Kannur Town Police Station, for the offence punishable under Section 379 IPC read with Section 34 IPC. He is before this Court for a pre-arrest order.

2. It is alleged that the third accused, a friend of the fourth accused, the petitioner herein, used the car of the petitioner to transport the stolen 5,000 lotteries worth Rs.50,000/- from the godown of Tiruvangad Lotteries belonging to M/s Balaji Agencies of Cochin, to Mangalore and the petitioner was also present along with them. The counsel submits that the petitioner had no knowledge and he was all along with the District Co-operative Bank, Kannur, as he is the cashier of the bank.

3. But the prosecution submits that the third accused was not a driver employed by the petitioner but

he is a friend of the petitioner. Accused Nos. 1 and 2 had committed theft of lotteries and transported, with the help of accused Nos. 3 and 4.

4. I am not entering into any discussion on the merit of the matter. Considering the materials available on record, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.447/2006 of Kannur Town Police Station, on 17.11.2006 at 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below, according to the law.

6. The learned Magistrate shall hear both sides and pass appropriate orders on merit, taking into consideration that the petitioner is a bank employee. The documents, if any, that may be filed by the petitioner, before that Court, shall also be evaluated.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs